

MuckRock News
DEPT MR 62596
411A Highland Ave
Somerville, MA 02144-2516
62596-24986139@requests.muckrock.com

FOIA APPEAL

NOV 28 2018

U.S. Army Medical Command (MEDCOM)
FOIA Appeal
2748 Worth Road, JBSA,
CDR U.S. Army Medical Command, Attention: Freedom of Information/Privacy Acts Office (MCPA) Texas
Fort Sam Houston, TX 78234

November 16, 2018

This is a follow up to a previous request:

I am appealing the integrity of the search, as it is obviously insufficient due to the fact that these are known personnel and employees of the agency. Further, an electronic search wouldn't cover records from the time period specified, meaning the search wasn't reasonably calculated to locate the requested records.

Filed via MuckRock.com
E-mail (Preferred): 62596-24986139@requests.muckrock.com

For mailed responses, please address (see note):
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On Oct. 25, 2018:
CLASSIFICATION: UNCLASSIFIED

Dear Ms. Best,

This is in response to your 18 October 2018 Freedom of Information Act (FOIA) request for "Records mentioning or generated as a result of liaisons and contacts between CIA officials and the following Army personnel:

Department of the Army, Surgeon General's Office:

HALL, Don (OC-5-3090) BEIERSCHMITT, Capt. Jerry WILLIAMS, Col. Glenn M. - Department of the Army, Surgeon General's Office CUNNINGHAM, Maj. Richard

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A search for documents responsive to your request was conducted by the Senior Archivist, Office of Medical History. A computer index search of their research collection resulted in no records found on those personnel and thus no files on their interaction with any government or non-government agencies.

A "no record" response may be considered to be adverse, and if so interpreted, may be appealed. As this constitutes a denial of your request, you are advised of your right to appeal this determination to the Secretary of the Army. If you decide to appeal at this time, your appeal must be submitted within 90 days of the date of this email. In your appeal, you must state the basis for your disagreement. Your appeal should be addressed to: CDR U.S. Army Medical Command, Attention: Freedom of Information/Privacy Acts Office (MCPA), 2748 Worth Road, JBSA, Fort Sam Houston, Texas 78234, for forwarding, as appropriate, to the Office of the Secretary of the Army. Please enclose a copy of this letter along with your appeal. To ensure proper processing of any appeal the letter and the envelope should both bear the notation, "Privacy Act/Freedom of Information Act Appeal."

Should you have any questions pertaining to the processing of your request, please contact me at (210) 221-4233 or email john.p.peterson.civ@mail.mil

Respectfully,

John P Peterson
Chief, Freedom of Information/
Privacy Act Office
HQ, U.S. Army Medical Command
(W) 210-221-4233
john.p.peterson.civ@mail.mil

On Oct. 18, 2018:
To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Records mentioning or generated as a result of liaisons and contacts between CIA officials and the following Army personnel:

Lawrence Robinson, Ft. Belvoir
"Ms. Shermeyer", Ft. Belvoir
"Ms. Brenton", Ft. Belvoir
Edward Livingston, Army Materiel Command
HALL, Don (OC-5-3090)
BEIERSCHMITT, Capt. Jerry
WILLIAMS, Col. Glenn M. - Department of the Army, Surgeon General's Office
CUNNINGHAM, Maj. Richard

For the purposes of this request, the words "contacts" and "liaisons" are being used in the way CIA used

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them in CIA-RDP78-00300R000100090121-9 (dated 1975), which officially disclosed these relationships. A copy of the file can be found at <https://www.cia.gov/library/readingroom/docs/CIA-RDP78-00300R000100090121-9.pdf>. This request may be limited to the beginning of 1970 through the end of 1979.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as MuckRock, Motherboard, Property of the People, AND Magazine, Unicorn Riot, and more. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and and the journalist non-profit, MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross- section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emma Best

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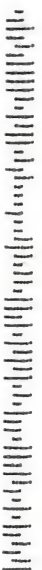
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76234-603159



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